

1 WO
2
3
4
5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 United States of America,

10 Plaintiff,

11 v.

12 Jesus Tapia-Tapia,

13 Defendant.

14
15 **NO. CR-15-00793-001-PHX-DLR**

16 **ORDER OF DETENTION PENDING**
17 **DISPOSITION (PURSUANT TO**
18 **18 U.S.C. § 3143)**

19
20 In accordance with the Bail Reform Act, 18 U.S.C. § 3143, a detention hearing was
21 submitted on 1/25/2017. Defendant was present and was represented by counsel. The
22 defendant has not rebutted by clear and convincing evidence that he is not likely to flee if
23 released.

24
25 **FINDINGS OF FACT**

26 I find by a preponderance of the evidence that:

- 27
28 The defendant is not a citizen of the United States or lawfully admitted for
29 permanent residence.
30 The defendant, at the time of the charged offense, was in the United States
31 illegally.
32 The defendant has been ordered detained on the underlying 8 USC 1326(a)&(b)(1)
33 charged in Case No: 16-2054MJ.

34
35 The Court incorporates by reference the material findings of the Pretrial Services Agency
36 which were reviewed by the Court at the time of the hearing in this matter, except as
37 noted in the record.

1 **CONCLUSIONS OF LAW**

- 2 1. There is a serious risk that the defendant will flee.
3 2. No condition or combination of conditions will reasonably assure the appearance
of the defendant as required.

4 **DIRECTIONS REGARDING DETENTION**

5 The defendant is committed to the custody of the Attorney General or his/her designated
6 representative for confinement in a corrections facility separate, to the extent practicable,
7 from persons awaiting or serving sentences or being held in custody pending appeal. The
8 defendant shall be afforded a reasonable opportunity for private consultation with defense
counsel. On order of a court of the United States or on request of an attorney for the
9 Government, the person in charge of the corrections facility shall deliver the defendant to
the United States Marshal for the purpose of an appearance in connection with a court
proceeding.

10 **APPEALS AND THIRD PARTY RELEASE**

11 IT IS ORDERED that should an appeal of this detention order be filed with the
12 District Court, it is counsel's responsibility to deliver a copy of the motion for
13 review/reconsideration to Pretrial Services at least one day prior to the hearing set before
the District Court.

14 IT IS FURTHER ORDERED that if a release to a third party is to be considered, it
15 is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing
16 before the District Court to allow Pretrial Services an opportunity to interview and
17 investigate the potential third party custodian.

18 DATE: 1/25/2017

19 
20 Honorable James F. Metcalf
United States Magistrate Judge